

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

Baldwin Township, Cathy Stevens
Clerk/Treasurer,

Complainant,

vs.

Chuck Nagle,

Respondent.

**NOTICE OF DETERMINATION OF
PRIMA FACIE VIOLATION
AND
NOTICE OF AND ORDER FOR
PREHEARING CONFERENCE AND
EVIDENTIARY HEARING**

TO: Parties.

On April 3, 2012, Cathy Stevens, Baldwin Township Clerk, filed a Campaign Complaint with the Office of Administrative Hearings alleging that Chuck Nagle violated Minnesota Statutes § 211A.05 by failing to timely file a campaign financial report and/or certification of filing. After reviewing the Complaint and attached documents, the undersigned Administrative Law Judge has determined that the Complaint sets forth a *prima facie* violation of Minnesota Statutes § 211A.05, subd. 1. This determination is described in more detail in the attached Memorandum.

THEREFORE, IT IS HEREBY ORDERED AND NOTICE IS HEREBY GIVEN that this matter will be scheduled for a prehearing conference to be held by telephone and an evidentiary hearing to be held at the Office of Administrative Hearings, 600 North Robert Street, St. Paul, Minnesota 55101. The evidentiary hearing must be held within 90 days of the date the complaint was filed, pursuant to Minn. Stat. § 211B.35. You will be notified within approximately two weeks of the dates and times for the prehearing conference before an Administrative Law Judge and evidentiary hearing, if one is necessary, before a panel of three Administrative Law Judges. The evidentiary hearing will be conducted pursuant to Minnesota Statutes § 211B.35. Information about the evidentiary hearing procedures and copies of state statutes may be obtained online at www.oah.state.mn.us and www.revisor.leg.state.mn.us.

All parties have the right to be represented by legal counsel, by themselves, or by a person of their choice if not otherwise prohibited as the unauthorized practice of law. In addition, the parties have the right to submit evidence, affidavits, documentation and argument. Parties should bring with them all evidence bearing on the case with copies for the Judge(s) and opposing party.

After the evidentiary hearing, the Administrative Law Judges may dismiss the complaint, issue a reprimand, or impose a civil penalty of up to \$5,000. The panel may also refer the complaint to the appropriate county attorney for criminal prosecution. A

party aggrieved by the decision of the panel is entitled to judicial review of the decision as provided in Minn. Stat. §§ 14.63 to 14.69.

Any party who needs an accommodation for a disability in order to participate in this hearing process may request one. Examples of reasonable accommodations include wheelchair accessibility, an interpreter, or Braille or large-print materials. If any party requires an interpreter, the Administrative Law Judge must be promptly notified. To arrange an accommodation, contact the Office of Administrative Hearings at 600 North Robert Street, P.O. Box 64620, St. Paul, MN 55101, or call 651-361-7900 (voice) or 651-361-7878 (TTY).

Dated: April 4, 2012

/s/ Richard C. Luis
RICHARD C. LUIS
Administrative Law Judge

MEMORANDUM

Minnesota Statutes § 211A.02 requires candidates or committees receiving contributions or making disbursements of over \$750 in a calendar year to file financial reports with the “filing officer.”¹ In addition, Minnesota Statutes § 211A.05 subd. 1, requires that candidates or committee treasurers certify to the filing officer that all financial reports required by section 211A.02 have been submitted, or that the candidate or committee did not receive contributions or make disbursements exceeding \$750 in the calendar year. The certification must be submitted to the filing officer no later than seven days after the general or special election.

If a candidate or committee fails to file a required financial report on the date it is due, the filing officer shall immediately notify the candidate or committee of the failure to file.² If the report is not filed within ten days after the notification is mailed, the filing officer shall file a complaint under section 211B.32.³

Cathy Stevens is the Clerk and filing officer for Baldwin Township in Sherburne County. The Respondent, Chuck Nagle, was a candidate for Town Board Supervisor in

¹ Minn. Stat. § 211A.01, subd. 7, defines “filing officer” to mean the officer authorized by law to accept affidavits of candidacy or nominating petitions for an office or the officer authorized by law to place a ballot question on the ballot.

² Minn. Stat. § 211A.05, subd. 2.

³ Minn. Stat. § 211A.05, subd. 2.

the March 13, 2012 election. According to the Complaint, Mr. Nagle failed to file a campaign finance report and/or certification of filing as required by Minnesota Statutes § 211A.05. The Complaint states that on March 21, 2012, Ms. Stevens sent Mr. Nagle a letter by certified mail notifying him of his failure to file the required report. According to the Complaint, Ms. Stevens has not received the required campaign filing from Mr. Nagle.

Because the Township alleges that Mr. Nagle has not filed the required campaign financial report and/or certification of filing, the Complaint states a *prima facie* violation of Minnesota Statutes § 211A.05, subd. 1. Pursuant to Minnesota Statutes § 211B.33, subd. 2(d), this matter shall be set on for an evidentiary hearing before a panel of three administrative law judges. An order scheduling this matter for a prehearing conference and evidentiary hearing will issue in approximately two weeks.

R.C.L.